

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE FUNERAL DIRECTORS EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

TODD R. MANN,

FINAL DECISION AND ORDER

RESPONDENT

LS0205143FDR

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Todd R. Mann

C/O Lincoln County Jail

1104 East First Street

Merrill, WI 54452

Division of Business Licensure and Regulation

Funeral Directors Examining Board

PO Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

PO Box 8935

Madison, WI 53708-8935

The Funeral Directors Examining Board, having considered the Stipulation Agreement annexed-hereto of the parties, in resolution of the captioned-matter makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to jurisdiction and authority granted to the Board, that the Stipulation Agreement annexed-hereto, filed by Complainant's Attorney, shall be and hereby is incorporated, made and ordered the Final Decision and Order of the state of Wisconsin, Funeral Directors Examining Board.

Let a copy of this Order be served on Respondent by certified mail.

Dated this 14th day of May, 2002.

Roy Pfeffer, Chair

Funeral Directors Examining Board

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

TODD R. MANN,

STIPULATION

RESPONDENT

01 FDR 020

Respondent Todd R. Mann (Mann) and Complainant's attorney, Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the captioned-matter, stipulate and agree as follows:

1. Respondent Mann (77-4495), c/o Lincoln County Jail, 1104 East First Street, Merrill, WI 54452, was at all time material to the complaint licensed as a funeral director, and has been so licensed under the provisions of Ch. 445, Wis. Stats., since July 19, 1979.

2. This stipulation shall be submitted to the Funeral Directors Examining Board (Board) for approval and disposition of the matter. If the terms of the stipulation are not acceptable to the Board, then the parties shall not be bound by any of the provisions of the stipulation.

a. This stipulation is dispositive of investigative complaint # 01 FDR 020.

3. Respondent has been advised of his right to a public hearing on each and every allegation of the complaint, but hereby freely and voluntarily waives his right to a hearing in this matter, on the condition that all provisions of the stipulation be acceptable to and approved by the Board.

a. Respondent further agrees to waive any appeal of the Board's Final Decision and Order adopting the stipulation agreement.

4. By criminal complaint dated November 27, 2000, case # 00-CF-208, filed in the Wisconsin Circuit Court, Lincoln County, Exhibit "A", filed by the Lincoln County District Attorney's office, Respondent was charged with (1) Attempted first degree intentional homicide, contrary to Secs. 940.01(1)(a), 939.32(1)(a) and 968.075, Wis. Statutes, a Class B felony, and (2) Second degree sexual assault – Domestic, contrary to Secs. 940.225(2)(a) and 968.075, Wis. Statutes, a Class BC felony, to wit in pertinent part:

a. Count One (1) – Attempted First Degree Intentional Homicide – Domestic: on about November 25, 2000, ... in the city of Merrill, Lincoln County, Wisconsin, the defendant did attempt to cause the death of another human being with the intent to kill that person or another, to wit: The defendant punched his wife, ... in the face and head, knocking her down, grabbed her by the hair and dragged her down the basement stairs, pounded her head on the floor, choked her and said "I can't go back now, I'll have to kill you then myself, then the kids will have no one." The defendant then choked her with a belt that broke. The defendant then grabbed another belt and choked her.

b. Count Two – Second Degree Sexual Assault – Domestic: on about November 25, 2000, ... in the city of Merrill, Lincoln County, Wisconsin, the defendant did have sexual intercourse with another person without consent of that person by use or threat of force or violence, to – wit: the defendant pushed his wife ... down into a shower room and told her to take off her clothes because he was going to "S. her." When she refused, he took them off and he had sexual intercourse with her.

5. See Exhibit "B," Statement As to Negotiated Plea" between the parties (undated), in which the parties negotiated and agreed, in pertinent part that:

a. Count 1 – Attempted First-Degree Intentional Homicide – Domestic will be dismissed, but read in for sentencing and restitution.

b. The defendant must plead guilty (not no contest), to Count 2 – Second-Degree Sexual Assault – Domestic, Wis. Stats. 940.225(2)(a) and 968.075, Class BC felony; and the state will file an amended complaint adding a third count which will charge substantial Battery – Domestic, Wis. Stats. 940.19(3) & 968.075, Class D. felony.

6. The parties agreed per joint recommendations, per Exhibit "B" in pertinent part, Recommended sentences, Restitution, Costs, psychological evaluations and treatment; and with one year in the county jail with work

release privileges, county jail to begin immediately with defendant understanding that he would not be eligible for electronic monitoring. After the one year county jail term is over, the defendant agrees to 6 months of electronic monitoring at his expense.

a. See Exhibit "B1," Amended Criminal Complaint dated July 12, 2001.

7. On about July 12, 2001, in Wisconsin Circuit Court, Lincoln county, the Honorable Circuit Judge, Gary R. Carlson presiding, Respondent pled guilty to counts 2 & 3 of the Amended Complaint, Exhibit "C" attached hereto, Judgment of Conviction – Amended – Sentence Imposed & Stayed, Probation Ordered and Extended Supervision.

8. Respondent was sentenced to 15 years in prison for Count 2, and 5 years for Count 3 concurrent; which sentences were stayed for a period of 10 years for Count 2, after which time, he would be on extended supervision for a period of 3 years; and for count 3, the sentence was stayed for a period of 5 years, to run consecutive with Count 2, with 2 years of extended supervision: Conditioned upon serving 1 year in Lincoln County jail pursuant to Count 1, concurrent with one year county jail concurrent with Count 2, for Count 2, with Huber, after which time he must pay for and serve 6 months on electronic monitoring.

9. By virtue of the facts enumerated in the above mentioned Exhibits, including the Judgement of Conviction, Sentence Imposed & Stayed, Probation ordered and Extended Supervision, Respondent has violated Sec. FD 3.02(1), Wis. Adm. Code, violated or aided and abetted a violation of any state or federal law substantially related to the practice of funeral directing.

10. Based upon the above and in settlement of these matters, Respondent hereby consents, accepts and agrees to a 2 year suspension of his funeral director's licenses, and to pay the amount of \$500.00 part assessment of costs.

11. The two (2) years suspension shall commence effectively ten days following the Board's adoption of the Final Decision and Order adopting the Stipulation Agreement. Respondent may apply at any time following the effective date of his suspension, for a stay of suspension for periods of three (3) months intervals.

a. Any requests for stays of suspension(s) shall be submitted to the Department's monitor, hereinafter.

12. Upon initial application for a stay of suspension, Respondent shall have to provide to the Board, a current evaluation of his mental/psychological condition(s) by appropriate medical personnel, regarding – in the opinion of the evaluator(s) – whether or not Respondent could safely and reliably practice as a licensed funeral director; and or whether or not Respondent would pose a danger to himself or others if allowed to work in the funeral profession.

13. Thereafter, if granted a three month's suspension stay, Respondent may continuously apply for consecutive three (3) months stays of his suspension which would be granted upon acceptable demonstration of compliance with conditions and limitations imposed upon him by his probation/parole agent(s), and or the Board.

a. Respondent shall always be in compliance with the conditions and obligations placed upon him by his probation agent/Division of Corrections.

14. The \$500.00 part assessment of costs shall be payable by cashier's check or money order, made payable to the Department of Regulation and Licensing, and shall be paid no later than sixty (6) days after the adoption of the Final Decision and Order by the Funeral Directors Examining Board, and submitted to:

Marlene Meyer, Monitor

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

15. If Respondent shall fail to pay the part assessment of costs as ordered, or fail to obtain a written extension from the Board to pay same, then he shall be considered to be in violation of the Board's Order and may be subjected to further discipline.

16. Respondent further agrees that this stipulation agreement may be incorporated into the Board's Final Decision and Order adopting the stipulation agreement.

17. Respondent further agrees that Complainant's attorney Sanders and the Case Advisor assigned to the complaint, may appear at any closed-deliberative meeting of the Board with respect to the stipulation, but those appearances shall be limited solely to clarification, justification, and to statements in support of the stipulation and for no other purpose.

Todd R. Mann,	5-10-02
Respondent	Date
Henry E. Sanders,	5-13-02
Complainant's Attorney	Date